

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MVP LANES, LLC

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Plaintiff

*

v.

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Case No. RDB 11 CV 2402

RI HISPANIC BANCGROUP, LLC

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Defendant

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* * * * *

AFFIDAVIT OF MARTIEN EERHART
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

I, Martien Eerhart, make oath according to law, and state as follows:

1. I am over 21 years of age, am competent to testify, and have knowledge of the matters set forth herein.
2. I am the managing member of the Defendant, RI Hispanic BancGroup LLC ("RIHB"), a domestic limited liability company formed on February 14, 2007 under the laws of the State of Rhode Island and Providence Plantations, with its principal place of business in Pawtucket, RI.
3. RIHB is engaged in the business of providing proof of funds to facilitate commodity trade transactions through the use of financial instruments.
4. RIHB maintains no offices outside Rhode Island, other than temporary offices in Massachusetts.
5. RIHB maintains no offices in the State of Maryland, owns no real estate in the State of Maryland, and pays no property taxes in the State of

Maryland.

6. RIHB has no sales representatives, employees, or other representatives that conduct business in the State of Maryland.

7. RIHB has never qualified to do business in Maryland nor has it ever applied to conduct business in Maryland. RIHB has not advertised in Maryland, other than maintaining a generic presence on the internet.

8. RIHB has entered into no contracts issued to customers located in the State of Maryland since the date of its formation other than the contract with Plaintiff, MVP Lanes, LLC.

9. RIHB did not solicit or initiate the relationship with MVP Lanes, LLC that is the subject of this action. Instead, the contract in question was entered into outside the State of Maryland as a result of an introduction initiated by a representative on behalf of MVP Lanes, LLC.

10. No portion of the activities in connection with this contract were performed in Maryland. In fact, no one connected with RIHB has ever traveled to or been in Maryland in connection with the business of RIHB or the activities related to this contract, other than one court appearance as ordered by the Court. All of the activities in connection with the performance of this contract occurred outside of Maryland.

I SOLEMNLY AFFIRM under the penalty of perjury that the contents of the foregoing Affidavit are true and correct.

Date: 9-20-2011



Martien Eerhart